

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS VANEGAS,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

16-CV-09344 (PMH)

PHILIP M. HALPERN, United States District Judge:

On September 7, 2021, the Court directed that the Commissioner “serve and file a letter providing an update regarding the status of proceedings on remand on or before October 4, 2021.” (Doc. 34). As of the date of this Order—almost three months later—the Commissioner has failed to comply with this Court’s instruction.

The Commissioner’s non-compliance with the Court’s September 7, 2021 Order is at least the fourth time in this action that the Commissioner has ignored this Court’s instructions. (*See* Doc. 20; Doc. 21; Doc. 25; Doc. 26; Doc. 28; Doc. 29).

The Commissioner is directed to serve and file a letter by 5:00 p.m. on January 3, 2022: (1) providing an update regarding the status of proceedings on remand; (2) explaining with specificity why this Court should not remand this proceeding *sua sponte* in its entirety, *see Roundtree v. Comm’r*, No. 19-CV-07347, 2021 WL 431514, at *14 n.16 (S.D.N.Y. Jan. 15, 2021) (“[C]ases in the pipeline prior to the Commissioner’s appointment of the ALJs on July 16, 2018 should be treated the same regardless of whether the ALJ’s decision was rendered after that date.” (internal quotation marks omitted)), *adopted by* 2021 WL 431452 (S.D.N.Y. Feb. 8, 2021); and (3) advising, in any event, as to whether the Commissioner objects to this matter being closed administratively.

The January 3, 2022 letter shall be filed by counsel's supervisor. The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff.

Dated: White Plains, New York
December 29, 2021

A handwritten signature in black ink, appearing to read 'PHILIP M. HALPERN', written over a horizontal line.

PHILIP M. HALPERN
United States District Judge